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Robert Linley Muir

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EXAMINER

HENRY, THOMAS HAYNES

ART UNIT

PAPER NUMBER

3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,355	<b>Applicant(s)</b> MUIR, ROBERT LINLEY	
	<b>Examiner</b> THOMAS H. HENRY	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

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1. Receipt is acknowledged of Applicant's amendment filed on 3/25/08.

Claims 1-34 are present for examination. Claims 2 and 3 have been cancelled

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US 5,871,398).
4. Regarding claims 1, 15, 31 and 32 Schneier et al. discloses a method of operating a gaming system including one or more secure storage and processing devices [memory 100 containing an operating system, including one way function 144 as shown in Fig. 6; col. 14, line 33-col. 15, line 22], a gaming server [CMC 12] and one or more gaming consoles [HTV 20], each console including a secure storage and processing device read/write interface[94] and a user interface allowing a user to initiate a game and observe a result [Display 84], and the server including a random seed generator and being in communication with a secure storage and processing device read/write interface (col. 24, lines 29-32, wherein "game outcomes are generated in the HTV based upon a random seed value from the central management computer"), the method comprising:
5. The server creating a random seed, and communicating the seed for storage in one of the secure storage and processing devices, via the secure

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storage and processing device read/write interface with which the server is in communication, to provide a plurality of predetermined outcomes for games to be played on one or more of the gaming consoles (col. 15, lines 20-25), and

6. Communicating between one of the gaming consoles and one of the secure storage and processing devices via the respective secure storage and processing device read/write interface, and upon receipt of a user input initiate a game on the console, wherein the game requires a set of random numbers to produce an outcome, producing in the secure storage and processing device, a set of random numbers required to play a game, from the random number seed and producing a game play sequence including a game and/or gamble outcome indication determined by the random numbers produced by the secure storage and processing device alone or in combination with a user input (col. 15, lines 40-50).

7. Schneider et al. does not specifically disclose the server creating a plurality of random seeds ...to provide a plurality of predetermined outcomes for future games. However, Schneider does disclose that multiple outcomes may be generated using a single seed received from the central server, wherein said multiple outcomes may be used to play multiple games (col. 15, lines 40-47, "The HTV 20 includes a game generation routine ... which provides for the generation of various games in accordance with the purchased outcome data"). These multiple games cannot be played simultaneously, and therefore every win or lose outcome that will be generated as a result of playing these multiple games comprises a "future game" outcome. That is, the invention disclosed by Schneier

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teaches providing a plurality of predetermined outcomes for future games to be played on the gaming console utilizing a single random number seed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize either a plurality of random seeds or a single random seed, as it is possible to generate multiple game outcomes using both without changing the overall effect of the gaming device.

8. Schneider also does not specifically disclose gaming consoles request and buffering said plurality of game outcomes from said server appropriate to one or more games to be played at said one or more gaming consoles, and before all the outcomes have been used, said one or more gaming consoles request replacement outcomes from said server. However receiving necessary information from a server before the moment it is necessary when there is a known future need was well known in the art at the time the invention was made. It would have been obvious to one skilled in the art at the time the invention was made to include this well known feature with Schneider in order to reduce lag and down time.

9. Schneider also does not specifically discloses said one or more gaming consoles not waiting for a response from said server before giving the player feedback regarding a game, said one or more gaming consoles processing user input and taking actions without waiting for commands. However locally controlling the game consoles rather than having the servers control them was well known in the art at the time the invention was made. It would have been obvious to one skilled in the art at the time the invention was made to combine

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Schneider with this well known technique in order to allow for reduced server strain.

10. Regarding claims 2, 16 Schneier discloses when calculating the set of random numbers from the random number seed, the secure storage and processing device uses an algorithm known to the server whereby the server can predict the outcome derived (col. 15, lines 20-28, "... the same one-way function is stored in the CMC memory 32 ... to enable the CMC 12 to verify the data).

11. Regarding claim 4, 18 Schneier discloses after the set of random numbers to be used to determine a gamble outcome are produced by the secure storage and processing device, the console then chooses a game outcome which will achieve that gamble outcome (col. 15, lines 45-50).

12. Regarding claim 5, 19 Schneier discloses after the set of random numbers to be used to determine a gamble outcome are produced by the secure storage and processing device, the secure storage and processing device then chooses a game outcome which will achieve that gamble outcome and communicates the chosen game outcome to the console, as col. 15, lines 45-50 disclose the game program unit 152 is utilized to determine the game outcome that meets the gamble outcome generated by the secure storage and processing device is contained within the secure storage and processing device HTV Memory 100.

13. Regarding claims 6, 7, 20 and 21, Schneier discloses the secure storage and processing device generates game verification data which is stored until the secure storage and processing device is in communication with the gaming server at which time the secure storage and processing device communications

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the game verification data to the gaming server (col. 18, lines 34-67). The secure storage and processing device communicates the game verification data to the gaming server via the console, as the HTV memory 100 is located within the console.

14. Regarding claim 8,22 Schneier discloses when one of the secure storage and processing devices is connected to a console the gaming server communicates new random seeds to the secure storage and processing device via the console thereby allowing the player to recharge the games stored on the secure storage and processing device (col. 17, lines 10-20).

15. Regarding claim 9, 23 Schneier discloses the secure storage and processing device, i.e. game console, need not be in communication with the gaming server when the game is played (abstract), and each time the secure storage and processing device is connected to the gaming server, it will generate and send a signal to the server indicated the stored game verification data corresponding to the random seed that has been used (col. 28, line 58-col. 29, line 25).

16. Regarding claim 10, 24 Schneier discloses game play may include a set in which the player makes a bet on the outcome of each game, as this is a known method of playing lottery games (abstract).

17. Regarding claims 11, 12, 25 and 26, Schneier discloses the secure storage and processing device disclosed by Schneier is programmed to maintain accounting records of the player's account balance as a result of wins and losses incurred during gaming (Fig. 6, Accounting unit 154 located in secure storage

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and processing device HTV memory 100). All wagering-type gaming devices have an inherent maximum loss value, wherein the player's account balance is said maximum loss value such that if the sum of the player bets exceeds the wins by the maximum loss value or greater, i.e. the player places a wager larger than their current account balance, the device will prohibit this gaming transaction as the player does not have enough credits to enable said transaction. Thus, the secure storage and processing device would prevent the player from placing a bet that will cause the maximum loss value, i.e. the player account balance, to be exceeded.

18. Regarding claim 14, 30 Schneier discloses the console sends a signal to the secure storage and processing device describing a state of a game being played for communication to the gaming server in col. 18, lines 34-67), wherein a state of a game is interpreted as comprising the player's account status (e.g. winning state if account balance is greater than beginning balance, etc.).

19. Regarding claim 28, Schneider discloses the server includes an auditing device for checking game verification data returns from the secure device in the console (Fig. 3, CMC Memory 32, Audit unit 78).

20. Claims 3, 13, 17, 27, 29, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US 5,871,398) in view of McCarthy (US 5,276,312).

21. Schneier discloses a gaming system comprising one or more secure storage and processing devices, a gaming server and one or more gaming consoles, wherein a central server generates a random seed to be utilized by

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said secure storage and processing device to generate game outcomes, as described above.

22. *Schneier does not specifically disclose the secure storage and processing device is a smartcard or smartcard chip.* Instead, Schneier discloses the secure storage and processing device is contained in the gaming console in the form of the memory 100, which in turn contains one-way function 144 (Fig. 6). Schneier discloses the use of a smart card, wherein an authenticatable game authorization message AGAM may be written to a memory in the smart card 28, the smart card may be inserted into the gaming console to be read by said console (col. 14, lines 12-17). Schneier further discloses the AGAM may comprise a random number seed for communication from the central server to the gaming console via the smart card (col. 15, lines 20-22). However, in this embodiment, the smart card disclosed by Schneier does not process the random number seed in order to generate game outcomes to be displayed by the game console.

23. In an analogous gaming device, McCarthy discloses the use of smart cards in conjunction with a central server and gaming terminals in order to facilitate the transfer and processing of gaming data. McCarthy specifically discloses the smart card contains information obtained from the central server, including gaming outcome data for use at a gaming terminal, and a processor (col. 8, lines 10-35; Fig. 3). Thus, the combinations of the teachings of Schneier and McCarthy would have been capable of producing a set of random numbers required to play the game in a smart card that is external to the gaming console. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to combine the teachings of Schneier and McCarthy as all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

24. Regarding claims 13, 27 Schneier discloses the secure storage and processing device read/write interface of each gaming console communicates with secure storage on the smartcard via a secure communications system provided by a further smartcard device (col. 13, lines 5-34).

#### ***Response to Amendment***

25. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of new grounds of rejection.

26. Applicant's arguments with respect to claims 2, 13, 17, 27, 29, 33, and 34 have been considered, but are not persuasive. The card disclosed in McCarthy would be able to be used as a secure storage and processing device as shown in column 8 lines 10-35. The card includes a processor as shown in figure 3.

#### ***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas H Henry/  
Examiner  
Art Unit 3714

/XUAN M. THAI/  
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